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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,152	02/06/2004	Joseph W. Jurecka	15933RRUS01U	7293

21498 7590 10/03/2005

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EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/774,152

Applicant(s)

JURECKA, JOSEPH W.

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Vannucci et al (Vannucci), U.S. Patent No. 6,518,918.

Regarding claim 1, Vannucci discloses a method for determining the location of a mobile station in a wireless telecommunication system comprising the steps of: determining the latitude and longitude (via GPS) of the mobile station (col. 3, lines 1-6); receiving data from the mobile station identifying the barometric pressure at the mobile station (col. 4, lines 37-48); measuring the barometric pressure at a known elevation (col. 3, lines 47-59); utilizing the measured barometric pressure and the received barometric pressure to identify the actual altitude of the mobile station (col. 4, line 37- col. 5, line 15); utilizing the latitude and longitude of the mobile station to determine the altitude at ground level of the exact location of the mobile station (col. 3, lines 60-67 and col. 4, lines 55-61); and utilizing the ground level altitude at the location of the mobile station and the identified actual altitude of the mobile station to determine the altitude of

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the mobile station relative to ground level at the latitude and longitude of the mobile station (col. 4, line 61-col. 5, line 19).

Regarding claim 7, Vannucci discloses the method of claim 1 wherein the known location where the barometric pressure is measured is a location sufficiently close to the location of the mobile station that the barometric pressure at the same altitude would be substantially the same (col. 3, lines 45-55).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vannucci.

Regarding claim 2, Vannucci discloses (in one embodiment) a method for determining the physical location of a mobile station (abstract) comprising receiving data from the mobile station identifying the latitude and longitude (via GPS) of the mobile station (col. 3, lines 1-6); receiving data from the mobile station identifying the barometric pressure measured at the mobile station (col. 4, lines 37-48); measuring the barometric pressure at a physical location having a known altitude (col. 3, lines 47-59); determining the altitude of the mobile station from the measured barometric pressure and the received barometric pressure (col. 4, line 61-col. 5, line 19); determining the

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altitude of the mobile station relative to ground level at the position of the received latitude and longitude (col. 4, line 61-col. 5, line 19).

Vannucci also discloses in the background of the specification, that the need to locate a mobile terminal in the event that an emergency arises, the exact location of the mobile will need to be determined (col. 1, lines 45-57).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the locating procedure described in the invention of Vannucci for use in an emergency situation. Such use of the modification could increase the accuracy of determining the location of a mobile terminal (Vannucci, col. 1, lines 45-57).

Regarding claim 3, it is rejected under 103 as being unpatentable over Vannucci for similar reasons as claim 2. Further, the ground level of the high-rise building can be read on the "known elevations" as described in Vannucci.

Regarding claims 4-6, Vannucci discloses the methods of claims 1-3 as described above. Vannucci, however, fails to disclose how the "known locations" are determined. The examiner contends, however, that it is well known in the art to determine information by using look-up tables, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify, Vannucci with the teachings of well known prior art for the purpose of being able to quickly reference valuable information.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bozzone, U.S. Patent Pub. No. 2005/0033515, discloses a wireless personal tracking and navigation system.

Burgett et al, U.S. Patent Pub. No. 2004/0196176, discloses a device and method for calibrating and improving the accuracy of barometric altimeters with GPS-derived altitudes.

Sanderford et al, U.S. Patent No. 5,652,592, discloses radio location with enhanced Z-axis determination.

Rorabaugh, U.S. Patent Pub. No. 2004/0033808, discloses a method and system for determining relative positions of networked mobile communication devices.

Zhao et al, U.S. Patent Pub. No. 2004/0229620, discloses a method and system for routing a telephone call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

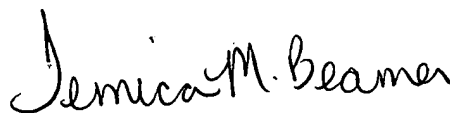
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer  
Primary Examiner  
Art Unit 2681

tmb

  
TEMICA BEAMER  
PRIMARY EXAMINER  
9/29/05